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HOUSE BILL 236

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Thomas A. Garcia

AN ACT

RELATED TO PUBLIC EMPLOYEES RETIREMENT; AMENDING THE PUBLIC
EMPLOYEES RETIREMENT ACT TO ALLOW MEMBERS EMPLOYED BY A
HOSPITAL OR MEDICAL CENTER THAT IS SUBSEQUENTLY TAKEN OVER BY
AN AFFILIATED PUBLIC EMPLOYER TO OBTAIN UP TO FIVE YEARS OF
CREDITED SERVICE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 10-11-7 NMSA 1978 (being Laws 1987,
Chapter 253, Section 7, as amended) is amended to read:

"10-11-7. CREDITED SERVICE--PURCHASE OF SERVICE.--

A. A member who entered a uniformed service of the
United States may purchase service credit for periods of active
duty in the uniformed services subject to the following
conditions:

- (1) the member pays the association the

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1 purchase cost determined according to Subsection E of this
2 section;

3 (2) the member has five or more years of
4 service credit acquired as a result of personal service
5 rendered in the employ of an affiliated public employer;

6 (3) the aggregate amount of service credit
7 purchased pursuant to this subsection does not exceed five
8 years reduced by any period of service credit acquired for
9 military service pursuant to any other provision of the Public
10 Employees Retirement Act;

11 (4) service credit may not be purchased for
12 periods of service in the uniformed services that are used to
13 obtain or increase a benefit from another retirement program;
14 and

15 (5) the member must not have received a
16 discharge or separation from uniformed service under other than
17 honorable conditions.

18 B. A member who was a civilian prisoner of war
19 captured while in service to the United States as an employee
20 of the federal government or as an employee of a contractor
21 with the federal government may purchase service credit for the
22 period of internment as a civilian prisoner of war, provided
23 that:

24 (1) the member provides proof of employment
25 with the federal government or as a contractor to the federal

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1 government in a form acceptable to the association;

2 (2) the member provides proof of the period of
3 internment in a form acceptable to the association;

4 (3) the member has at least five years of
5 service credit acquired as a result of personal service
6 rendered in the employ of an affiliated public employer;

7 (4) the aggregate amount of service credit
8 purchased pursuant to this subsection does not exceed five
9 years reduced by any period of service credit acquired for
10 military service pursuant to any other provision of the Public
11 Employees Retirement Act;

12 (5) service credit may not be purchased for
13 periods of service in internment as a civilian prisoner of war
14 if such periods are used to obtain or increase a benefit from
15 another retirement program; and

16 (6) the member pays the association the
17 purchase cost determined according to Subsection E of this
18 section.

19 C. A member who was employed by a utility company,
20 hospital or medical center, library, museum, transit company or
21 nonprofit organization administering federally funded public
22 service programs, which utility company, hospital or medical
23 center, library, museum, transit company or nonprofit
24 organization administering federally funded public service
25 programs or federally funded public service programs

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1 administered by a nonprofit organization are subsequently taken
2 over by an affiliated public employer, or a member who was
3 employed by an entity created pursuant to a joint powers
4 agreement between two or more affiliated public employers for
5 the purpose of administering or providing drug or alcohol
6 addiction treatment services irrespective of whether the entity
7 is subsequently taken over by an affiliated public employer,
8 may purchase credited service for the period of employment
9 subject to the following conditions:

10 (1) the member pays the association the
11 purchase cost determined according to Subsection E of this
12 section; except that, for a member who was employed by a
13 hospital or medical center that was subsequently taken over by
14 an affiliated public employer, the employer's share of the
15 purchase cost of the first year of credited service purchased
16 pursuant to this subsection shall be paid by the employer;

17 (2) the member has five or more years of
18 credited service acquired as a result of personal service
19 rendered in the employ of an affiliated public employer; and

20 (3) the aggregate amount of credited service
21 purchased pursuant to this subsection does not exceed five
22 years.

23 D. A member who was appointed to participate in a
24 cooperative work study training program established jointly by
25 a state agency and a state post-secondary educational

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1 institution may purchase credited service for the period of
2 participation subject to the following conditions:

3 (1) the member pays the association the full
4 actuarial present value of the amount of the increase in the
5 employee's pension as a consequence of the purchase as
6 determined by the association;

7 (2) the member pays the full cost of the
8 purchase within sixty days of the date the member is informed
9 of the amount of the payment;

10 (3) the member has five or more years of
11 credited service acquired as a result of personal service
12 rendered in the employ of an affiliated public employer; and

13 (4) the aggregate amount of credited service
14 purchased pursuant to this subsection does not exceed five
15 years.

16 E. Except for service to be used under a state
17 legislator coverage plan, the purchase cost for each month of
18 credited service purchased pursuant to the provisions of this
19 section is equal to the member's final average salary
20 multiplied by the sum of the member contribution rate and
21 employer contribution rate, determined in accordance with the
22 coverage plan applicable to the member at the time of the
23 written election to purchase. The purchase cost for each year
24 of credited service to be used under a state legislator
25 coverage plan is equal to three times the normal member

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1 contribution per year of credited service under the state
2 legislator coverage plan applicable to the member. Full
3 payment shall be made in a single lump sum within sixty days of
4 the date the member is informed of the amount of the payment.
5 The portion of the purchase cost derived from the employer
6 contribution rate shall be credited to the employer's
7 accumulation fund and shall not be paid out of the association
8 in the event of cessation of membership. In no case shall a
9 member be credited with a month of service for less than the
10 purchase cost as defined in this section.

11 F. A member shall be refunded, upon written request
12 filed with the association, the portion of the purchase cost of
13 credited service purchased pursuant to this section that the
14 association determines to have been unnecessary to provide the
15 member with the maximum pension applicable to the member. The
16 association shall not pay interest on the portion of the
17 purchase cost refunded to the member.

18 G. A member of the magistrate retirement system who
19 during the member's service as a magistrate was eligible to
20 become a member of the public employees retirement system and
21 elected not to become a member of that system may purchase
22 service credit pursuant to the public employees retirement
23 system for the period for which the magistrate elected not to
24 become a public employees retirement system member by paying
25 the amount of the increase in the actuarial present value of

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1 the magistrate pension as a consequence of the purchase as
2 determined by the association. Full payment shall be made in a
3 single lump-sum amount in accordance with procedures
4 established by the retirement board. Except as provided in
5 Subsection F of this section, seventy-five percent of the
6 purchase cost shall be considered to be employer contributions
7 and shall not be refunded to the member in the event of
8 cessation of membership.

9 H. At any time prior to retirement, any member may
10 purchase service credit in monthly increments, subject to the
11 following conditions:

12 (1) the member has at least five years of
13 service credit acquired as a result of personal service
14 rendered in the employ of an affiliated public employer;

15 (2) the aggregate amount of service credit
16 purchased pursuant to this subsection does not exceed one
17 year;

18 (3) the member pays full actuarial present
19 value of the amount of the increase in the employee's pension
20 as a consequence of the purchase as determined by the
21 association;

22 (4) the member pays the full cost of the
23 purchase within sixty days of the date the member is informed
24 of the amount of the payment; and

25 (5) the purchase of service under this

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1 subsection cannot be used to determine the final average salary
2 or the pension factor or be used to exceed the pension
3 maximum."

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